

Message Text

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C O N F I D E N T I A L JAKARTA 3277

STADIS //

GENEVA FOR ATTN USDEL TO HUMAN RIGHTS COMMISSION

E.O. 11652: GDS

TAGS: PINT, PFOR, PORG, ID

SUBJECT: HUMAN RIGHTS IN INDONESIA

REF: (A) JAKARTA A-42, (B) STATE 045319

1. REF A POUCHED TODAY (MARCH 11) AS EMBASSY RESPONSE TO
REF B. SUMMARY FOLLOWS;

2. HUMAN RIGHTS PROBLEMS IN INDONESIA OF CONCERN TO THE UNITED
STATES CONTINUE TO EVOLVE AROUND TWO GROUPS OF DETAINEES:
BETWEEN 34,000 AND 35,000 PRISONERS WHO CONSTITUTE THE
RESIDUE OF THOSE ARRESTED UNDER AUTHORITY RELATED TO THE
SEPTEMBER 30, 1965 ATTEMPTED PKI COUP, AND 13 INTELLECTUALS
AND POLITICIANS HELD IN CONNECTION WITH THE JANUARY 15,
1974 RIOTS IN JAKARTA. THE GOI CONTINUES TO BELIEVE THAT
IMMEDIATE RELEASE OF THE PKI DETAINEES WOULD CREATE AN
INTOLERABLE INTERNAL SECURITY PROBLEM; AT THE SAME TIME IT
LACKS BOTH THE JUDICIAL MACHINERY AND THE LEGAL EVIDENCE
RAPIDLY TO PROSECUTE THE MAJORITY OF THE PKI CASES.

3. THE PRIMARY QUESTION, OF COURSE, IS WHETHER IN THE LANGUAGE
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AND SPIRIT OF U.S. LEGISLATION INDONESIA FOLLOWS A

"CONSISTENT PATTERN OF GROSS VIOLATION OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS."

4. THE BASIC ATTITUDE TOWARD HUMAN RIGHTS IS THAT OF A MODERATE AUTHORITARIAN REGIME WITH A GENERAL TENDENCY TO PUT SECURITY ABOVE INDIVIDUAL FREEDOM. CONSEQUENTLY, NEITHER THE ADMINISTRATION OF THE LAW IN TERMS OF ITS EFFICIENCY OR HONESTY NOR THE CONCEPT OF HUMAN FREEDOM IS TOTALLY CONSISTENT WITH WHAT WE WOULD REGARD AS DESIRABLE IN THE UNITED STATES. AS WE HAVE REPORTED IN CONNECTION WITH THE 1965 DETAINEES, THERE IS IN THIS ONE INSTANCE SUBSTANTIAL DETENTION FOR PROLONGED PERIODS WITHOUT FORMAL CHARGES. FURTHER, IN A LAND OF POORLY TRAINED POLICE AND SOMETIMES PRIMITIVE EMOTIONS, WE CANNOT EXCLUDE THE POSSIBILITY THAT THERE HAVE BEEN CASES OF TORTURE AND OF CRUEL, INHUMANE AND DEGRADING TREATMENT OF PRISONERS.

5. ON THE OTHER HAND, HOWEVER, WE FEEL THAT THERE ARE POSITIVE ELEMENTS WHICH BALANCE THIS PICTURE TO SOME EXTENT AND WHICH REQUIRE CONSIDERATION IN ANY OVERALL EVALUATION OF THE HUMAN RIGHTS PICTURE. THE TWO INSTANCES WHICH HAVE BEEN CITED IN THIS REPORT REPRESENT SPECIAL CIRCUMSTANCES IN WHICH THE LEADERSHIP HAS FELT SECURITY QUESTIONS WERE INVOLVED. THERE IS NO CONSISTENT PATTERN OF THE SUPPRESSION THROUGH ARREST OR DETENTION OF NORMAL POLITICAL OPPOSITION. FURTHERMORE, THE LEADERSHIP IS CONSCIOUS OF THE INTERNATIONAL SENTIMENT REGARDING THE PRESENT DETAINEES AND IS SEEKING TO RESOLVE THE PROBLEM, EVEN THOUGH SLOWLY. FRIENDLY EMBASSIES HAVE ACCESS TO SENIOR OFFICIALS FOR DISCUSSIONS OF THESE ISSUES. CONSCIOUS EFFORTS ARE AFOOT TO IMPROVE THE ADMINISTRATION OF JUSTICE AND LAWS RELATING TO DETENTION AND EVIDENCE. THERE IS A MORE COOPERATIVE FEELING TOWARD INTERNATIONAL ORGANIZATIONS' INTEREST IN HUMAN RIGHTS.

6. IN THE JUDGMENT OF THIS EMBASSY, ANY CONCLUSION THAT INDONESIA FELL WITHIN THE PERTINENT SECTIONS OF THE RELEVANT LEGISLATION COULD SET BACK THE POSITIVE CURRENTS WHICH CAN NOW DEFINITELY BE OBSERVED IN THE HUMAN RIGHTS SCENE IN INDONESIA. IT IS IN OUR INTEREST AND IN THE INTEREST OF

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THOSE CONCERNED WITH HUMAN RIGHTS IN INDONESIA TO CONTINUE THE QUIET EDUCATIONAL EFFORTS ALREADY IN MOTION AND TO AVOID DRAMATIC OPERATIONAL OR LEGAL MOVES WHICH COULD DISCOURAGE THOSE WORKING FOR A MORE SATISFACTORY CONCEPT OF HUMAN RIGHTS WITHIN THE INDONESIAN GOVERNMENT.

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